



COUNTY OF LOS ANGELES

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October 1, 2008

TO: Each Supervisor

FROM: Jonathan E. Fielding, M.D., M.P.H. *JEF*
Director and Health Officer

SUBJECT: **SEWAGE SPILL FOLLOW-UP REPORT**

On March 25, 2008, the Board approved a motion by Supervisor Knabe, seconded by Supervisor Yaroslavsky, to adopt the seven recommendations contained within the Auditor-Controller's March 3, 2008 follow-up report on the implementation of recommendations contained in their January 2007 Sewage Spill Report.

The motion further instructed the Auditor-Controller to provide quarterly reports to the Board; and in consultation with the County's Public Health Commission, to conduct a follow-up review on the status of all recommendations and report back to the Board as a set item at its meeting of March 24, 2009.

Based on discussions with the Auditor Controller regarding quarterly reporting, it was agreed that Public Health will assume responsibility for providing quarterly reports to the Board. This is the second quarterly report. Attachment I is a progress report providing the current status of each of the seven recommendations from the Auditor-Controller's March 3, 2008 report

I will provide you with the next quarterly report by December 26, 2008. In the meantime, if you have any questions or need additional information, please let me know.

JEF:ee
PH:701:010(12)

c: Chief Executive Officer
County Counsel
Executive Officer, Board of Supervisors
Auditor-Controller
Public Health Commission
Environmental Health Director, Public Health

**PROGRESS REPORT ON IMPLEMENTING
AUDITOR CONTROLLER RECOMMENDATIONS
REGARDING SEWER SPILL NOTIFICATION**

October 1, 2008

- 1. Follow-up with the Regional and State Water Board's Executive Director to learn the outcome of your Board's requests at their Management Coordinating Committee meeting, and continue to monitor these issues until they are addressed.**

On June 13, 2008, Environmental Health staff contacted the State Water Board to obtain an update regarding the County's request for amendments to Los Angeles County's National Pollutant Discharge Elimination System (NPDES) permits and Waste Discharge Requirements (WDR) relating to maintenance standards, protocols, inspections and operations of sanitary sewer collection equipment. On June 18, 2008, State Water Board staff informed Environmental Health staff that an update was forthcoming.

On September 17, 2008, Environmental Health staff contacted the State Water Board to obtain an update on the June 13, 2008 request. The State Water Board staff stated that there have been some internal discussions regarding the County's request and that an update is forthcoming.

- 2. Pursuant to Recommendation 15, work with and monitor the County Legislative Advocate's efforts to continue to pursue the addition of a Regional Water Board Member with Public Health expertise.**

The County's Legislative Advocates in Sacramento have informed us that it is highly unlikely that an attempt by the County to sponsor legislation requiring a member of the Regional Water Board to have Public Health expertise will be successful at this time. This opinion is informed, in part, by the difficulties that our Advocates encountered while trying to include such a provision in an early draft of AB 800 in 2007.

- 3. At least quarterly, review the Governor's Office of Emergency Services' website to determine whether sewage spills are being reported to the County Public Health Officer.**

The Governor's Office of Emergency Services (OES) has improved reporting of sewage spills in recent months. Reviews of OES online reporting records compared with Environmental Health's database revealed that from January 1, 2008 to August 31, 2008, Environmental Health was informed of all spill incidents that were reported to OES. Environmental Health will continue to monitor the OES website on a quarterly basis.

- 4. Send letters to dischargers and the Governor's Office of Emergency Services to remind them of their legal responsibility to notify the County Public Health Officer of sewage spills.**

In order to ascertain whether or not dischargers are reporting spills in a timely and appropriate manner, Environmental Health initiated a review of sewage spill reports received from OES and the Water Board. From January 1, 2008 to May 31, 2008, there were 23 cities that reported spills to the Water Board but failed to report sewage spills to Environmental Health. As a result, Environmental Health sent a letter to each city notifying them of each reporting failure and reminding them of their responsibilities. In response to these letters, representatives from many of the cities informed Environmental Health staff that revisions have been made to existing procedures that will improve timely and appropriate reporting of sewage spills.

Environmental Health has noted significant improvement in the reporting of sewage spills from cities in recent months. From June 1, 2008 to August 31, 2008, there were seven cities that reported spills to the Water Board but failed to report sewage spills to Environmental Health. These cities received letters notifying them of each reporting failure and reminding them of their responsibilities.

Environmental Health is also educating all dischargers about notification responsibilities via the educational efforts described under recommendation number six below.

Environmental Health has continued its monitoring of all sewage spills/discharges in Los Angeles County. From June 1, 2008 through August 31, 2008, Environmental Health received 201 sewage spill/discharge reports. There were no beaches closed as a result of these reports.

5. As appropriate, consult County Counsel regarding the enforcement of the State's sewage spill notification requirements.

Environmental Health staff have conferred with County Counsel regarding enforcement actions against cities that continually fail to report sewage spills. A follow-up meeting will be scheduled shortly to discuss appropriate protocols for enforcement of the notification requirements.

6. Department of Public Health management report back to the Board in three months on the status of the educational brochures/posters, including what action has been taken to finalize/distribute the brochures/posters, feedback from owners/operators of sanitary sewer systems, and any recommendations for improving these educational materials.

The educational brochures and posters were mailed on June 23, 2008. Environmental Health distributed approximately 17,000 brochures to public agencies that own or operate wastewater collection systems in Los Angeles County, including the County Department of Public Works and the Sanitation Districts of Los Angeles County. Included with the brochures were instructions for cities and sewer agencies to distribute the brochure to sewer contractors as part of the permit process.

Environmental Health also distributed a similar brochure to owners of approximately 42,000 food facilities and 70,000 multiple family dwelling units. The brochures provide information on common causes of spills, spill prevention methods for sewage dischargers, the environmental and public health impact of discharges, and the reporting responsibilities including where/how to report discharges. After the brochures were mailed, Environmental Health received positive feedback from the owners of food facilities and multiple family dwellings. Many owners thanked Environmental Health staff and requested additional brochures to distribute to employees and tenants.

Environmental Health also distributed a notification poster to all public agencies that own and operate pump stations in Los Angeles County. The intent of the poster is to provide pump station personnel with direct and immediate access to emergency contact telephone numbers for reporting sewage spills to Environmental Health and OES.

7. **Department of Public Health management, in collaboration with the County Public Health Commission, work with the Regional Water Board in developing and distributing a sewage spill notification chart that shows the timeline requirements for reporting sewage spills to agencies such as the Department of Public Health, Regional Water Board, and the Governor's Office of Emergency Services.**

Environmental Health staff will present the Sewage Spill Reporting Protocols Chart at the October 9 Public Health Commission meeting so that the commissioners can provide their comments and input on the proposed chart.

The chart includes timeline requirements for reporting sewage spills to Environmental Health, OES, and the Regional Water Board, as well as "Best Practices" for spill prevention.

On September 17, 2008, letters were mailed to the Director of OES, and the Executive Officer of the Regional Water Board, soliciting their review and comments of the proposed Sewage Spill Reporting Protocols chart.